

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA**

**JULIE TUTTLE, individually and :
on behalf of the ESTATE OF :
MICHAEL PAUL TUTTLE, et al., : CASE NO. 1:20-cv-04744
: :
Plaintiff, : : JUDGE LEIGH MARTIN MAY
V. : :
: :
DEXCOM, INC., : :
: :
Defendant. : :**

**PLAINTIFF JULIE TUTTLE'S RESPONSE
TO DEFENDANT DEXCOM, INC.'S MOTION TO DISMISS
AND REQUEST FOR ORAL ARGUMENT**

Plaintiff Julie Tuttle, by and through undersigned counsel, respectfully opposes Defendant Dexcom, Inc.'s Motion to Dismiss and Request for Oral Argument and provides notice of Plaintiff's opposition as requested by N.D. Ga. LR 7.1. Rather than respond directly to the substance of the motion, Plaintiff will amend the complaint within twenty-one days of Dexcom filing the motion to dismiss. As set forth in the accompanying brief, Plaintiff has an absolute right to amend her complaint within twenty-one days of Dexcom filing its motion to dismiss. Because the amendment should avoid the need to decide the motion or

reduce the number of issues to be decided, Dexcom's motion to dismiss and request should be denied upon the filing of Plaintiff's amended complaint.

This 4th day of January, 2021.

Respectfully submitted,

/s/ NATALIE S. WOODWARD
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Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the Response in Opposition to Defendant's Motion to Dismiss with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

Paul Weathington, Attorney for Defendant

Zach H. Fuller, Attorney for Defendant

Paul J. Cosgrove (pro hac vice forthcoming), Attorney for Defendant

Mary Lynn Tate (pro hac vice forthcoming), Attorney for Defendant

Georgia Hatzis (pro hac vice forthcoming), Attorney for Defendant

This 4th day of January, 2021.

/s/ NATALIE S. WOODWARD

Natalie S. Woodward

Ga. Bar No. 773827

Attorney for Plaintiff